

Application No. 10/796,766

Reply to Office Action

REMARKS

Reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Status of the Application

Claims 1-16 are currently pending in the application. Of these claims, claims 1 and 6 are original, claims 2-5 and 7-9 are amended, and claims 10-16 are new. No new matter has been introduced into the application by way of the aforesaid amendments.

Summary of the Office Action

The Office Action opens by rejecting claims 1, 2 and 4-9 under 35 U.S.C. § 102(b) as anticipated by EP Published Application No. 1 247 654 A1 ("Kaerts et al."). In entering this rejection, the Office Action advises that claim 3 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form.

Discussion

At the outset, Applicants note that an initiated copy of the PTO-1449 form submitted with the Information Disclosure Statement of July 23, 2004 ("IDS"), was not forwarded to Applicants along with the Office Action. Applicants respectfully request that the initiated PTO-1449 form be forwarded to them with the next Office Action. A copy of the July 23, 2004, IDS, along with a copy of the canceled post card indicating the safe receipt of same by the U.S. Patent and Trademark Office, is enclosed herewith for the Examiner's convenience.

Turning to the substantive rejection, Applicants submit that Kaerts et al. does not disclose, nor teach or suggest, the subject matter set forth in claims 1, 2 and 4-9.

The claimed subject matter provides, among other advantages, a means by which premature failure of the heating elements due to overheating and image faults in the thermographic materials due to overheating may be reduced. Although the prior art, including Kaerts et al., disclose and suggest reducing the printing speed as a way of addressing these problems, the claimed invention overcomes the aforesaid (and other) problems without requiring a reduction in printing speed. Indeed, one advantage of the present invention is the ability to obtain invariant printing speeds, and invariant print throughput, by calibrating the drive characteristics of the heating elements for the specific thermographic material on the basis of the print density-driving power level characteristic of the thermographic material. This enables print quality to be independent of the thermal printing head conditions (e.g., thermal printing head, installation variations, and

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environmental conditions) which affect heat transfer from the heating elements to the thermographic material.

The foregoing approach is a radical departure from the approach to the avoidance of image faults and overheating disclosed in certain prior art which serve to address premature failure of the heating elements and the resulting image faults by reducing printing speed. *See, e.g., the present application at page 5, line 33 to page 6, line 5.*

Kaerts et al. does not recognize the problem facing the Applicants, and thus does not disclose a solution thereto. Nor does Kaerts et al. motivate one skilled in the art to modify its process to provide the claimed subject matter. Instead, Kaerts et al. is directed to providing improved calibration methods which allow one to produce a single calibration page and to derive from that single page sufficient information to produce calibrated prints over a wide range of densities. *See, e.g., Kaerts et al. ¶ [0010].* No problems associated with overheating during the printing process are mentioned in Kaerts et al., only a desire to avoid costly and inefficient repeated calibrations. *See, e.g., Kaerts et al. ¶ [0090].* Thus, as the calibrations in Kaerts et al. are not directed toward addressing overheating, and there is no other disclosure in Kaerts et al. that would lead one to expect that the aforesaid problems would be solved by the Kaerts et al. method (as Kaerts et al. does not recognize such problems), Kaerts et al. cannot be fairly said to disclose, or teach, the claimed subject matter.

For the aforesaid reasons, Applicants respectfully request withdrawal of the rejection entered against claims 1, 2 and 4-9.

Conclusion

Applicants believe the application is in proper condition for allowance, and the Examiner is respectfully requested to pass the application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted:



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